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JUL 22 2004

OFFICE OF PETITIONS

In re Application of
Todd A. Merritt et al.
Application No. 10/712,150
Filed: November 13, 2003
Attorney Docket No. 2008.001982

DECISION ACCORDING STATUS
UNDER 37 CFR 1.47(a)

This is in response to the renewed petition filed under 37 CFR 1.47(a) on June 29, 2004 (certificate of mail date, June 21, 2004).

The petition is GRANTED.

The above-identified application was filed on November 13, 2003. The application names Todd A. Merritt and Nicholas VanHeel but the oath or declaration filed upon application was not executed by Mr. VanHeel. Accordingly, on February 12, 2004, a "Notice To File Missing Parts of Application" was mailed, requiring, *inter alia*, an executed oath or declaration, and a surcharge for its late filing. A two month period for reply was set.

In response, on February 27, 2004, a petition was filed. Petitioners asserted that diligent efforts were used to locate Mr. VanHeel and show that Internet searches as well as directory assistance searches were conducted, that correspondences were sent to addresses in Idaho and Connecticut but Nicholas VanHeel had not contacted them to confirm that the addresses used were in fact proper addresses for the intended joint inventor. The petition was dismissed in a decision mailed April 21, 2004 because the last known address of Mr. VanHeel had not been provided.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). In view thereof, this application is hereby accorded Rule 1.47(a) status.

In response to the decision dismissing the petition filed February 27, 2004, a statement regarding the last known address has been provided and proof of a subsequent unsuccessful attempt to deliver correspondence to Mr. VanHeel at that address.

Thus, as provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventors at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This application will be forwarded to Technology Center 2133 for further examination.

Telephone inquiries related to this decision should be directed to the undersigned Petitions Attorney at (703) 305-4497.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions



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NICHOLAS VAN HEEL
1313 S. WATERMARK AVENUE
EAGLE, ID 83616-6337

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JUL 22 2004

OFFICE OF PETITIONS

In re Application of
Todd A. Merritt et al.
Application No. 10/712,150
Filed: November 13, 2003
Title of Invention: COMPRESSION CIRCUIT
FOR TESTING A MEMORY DEVICE

Dear Mr. Van Heel:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned Petitions Attorney at (703) 305-4497. Requests for information regarding your application should be directed to the File Information Unit at 703/308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at 703/308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

cc:

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